IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2654 of 2000
with
SPECIAL CIVIL APPLICATION No 2661 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

LARSEN & TOUBRO LTD,

Versus

HASMUKH A PRAJAPATI, C/O HIND MAZDOOR KISHAN PAN

Appearance:
1. Special Civil Application No. 2654 of 2000
MR GANDHI for NANAVATI ASSOCIATES for Petitioner No. 1
MR NR SHAHANI for Respondent No. 1
MR RV DESAI, AGP for Respondent No. 2

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 10/10/2001

ORAL JUDGEMENT

#. Rule. Mr.Sahani and Mr.R.V.Desai waive service of rule for respondent Nos.1 and 2 respectively. With the consent of the parties, the matter is taken up for final hearing today.

#. The petitioner - company has filed these petitions challenging the order passed by the Labour Court, Surat closing the stage of filing written statement in Reference (LCS) No.305 of 1998 as well as in Reference (LCS) No.306 of 1998. It was also prayed that the references may be transferred from the Presiding Officer, 3rd Labour Court, Surat to any other Labour Court. During pendency of these petitions, the aforesaid references have already been transferred and it is an admitted fact that these references are now not pending before the Labour Judge Mr.M.G.Memon.

#. So far as the grievance regarding allowing the petitioner company to file written statement is concerned, Mr.Sahani for the concerned workman submitted that the concerned workman is out of job since long and practically he is starving and that the references are of 1998. Mr.Sahani submitted that, he has no objection if the petitioner company is allowed to file the written statement, but the company should be directed to pay some amount by way of costs so that the concerned workman may get some amount especially when the references are pending since long.

#. Considering the facts and circumstances of the case and considering the consent given by Mr.Sahani, it is directed that the petitioner company be permitted to file the written statement in each of the references. However, the petitioner - company is directed to pay Rs.2500/- in each of the references and Mr.Gandhi has also agreed that the petitioner company will deposit the said amount. The petitioner company may file such written statement without fail on or before 1/11/2001. It is clarified that, this order is passed in view of the consent given by Mr.Sahani and in view of the statement made by Mr.Gandhi that the petitioner company will deposit the amount of Rs.2500/- (Rupees Twenty Five Hundred Only) in each of the References pending in the Labour Court, Surat and the concerned workman will be permitted to withdraw the aforesaid amount from the Labour Court. It will be open for the petitioner company to give cross cheque in favour of each of the employees and in that case, it will not be necessary for the petitioner company to deposit the said amount in the Labour Court, Surat, but in that case, before taking the matter for hearing, the Court will ensure that such

payment is made. If the aforesaid amount is not paid as indicated above, the petitioner company will not be permitted to file the written statement. The parties may appear before the concerned Labour Court on 1/11/2001 itself and that the learned advocates have agreed that their respective clients will remain present before the Labour Court, Surat for the purpose of attending the pending references on 1/11/2001 without fail.

#. Considering the fact that the references are of 1998, it is directed that both the references i.e. Reference (LCS) No.305 of 1998 and Reference (LCS) No.306 of 1998 may be disposed of latest by 31/1/2002 without fail. The Labour Court, Surat may accordingly see that the aforesaid references are disposed of finally by the aforesaid date.

#. Both these petitions are disposed of accordingly on the aforesaid terms and the petitioner company is permitted to file the written statement as per the observations made hereinabove. Interim relief granted earlier in each of the petitions shall stand vacated. Rule is accordingly disposed of in each of the petitions.

(P.B.Majmudar,J)
(pathan)